

## PROTECTION OF TRADEMARKS IN CHINA

*Exchange of notes at Peking June 28, 1905*

*Entered into force June 28, 1905*

*Made obsolete by U.S. relinquishment of extraterritorial rights in China,  
in accordance with terms of treaty of January 11, 1943*<sup>1</sup>

I Malloy 800; Treaty Series 477

*The American Minister at Peking to the British Minister*

AMERICAN LEGATION,  
*Peking, China, June 28, 1905*

MR. MINISTER AND DEAR COLLEAGUE: The Acting Secretary of State of the United States has informed me in an instruction dated April 17, 1905, that you have been authorized by your Government to enter into a reciprocal agreement with me for the mutual protection of trade marks registered in the United States and Great Britain against infringement in China by the citizens or subjects of our respective nations, and he has given me authority to effect with you by an exchange of notes an agreement for the reciprocal protection of American and British trade marks in China.

In pursuance of the general agreement reached between our respective governments on the subject, it affords me much satisfaction to agree on behalf of the government of the United States, that henceforth trade marks of British subjects, having been duly registered in the United States of America, will be protected against infringement by such persons as come under the jurisdiction of the United States Consular Courts in China, in which effectual provision exists for the punishment of such infringements by American citizens.

I have the honor to be, my dear colleague, your obedient servant,

W. W. ROCKHILL

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<sup>1</sup> TS 984, *ante*, vol. 6, p. 739, CHINA.

*The British Minister at Peking to the American Minister*

PEKING, June 28, 1905

MR. MINISTER AND DEAR COLLEAGUE: I have the honour to acknowledge the receipt of your letter of this date, informing me that you have been authorized by your Government to effect with me by an exchange of notes an agreement for the reciprocal protection of American and British trademarks.

I beg to thank you for this communication and to assure that it affords me much satisfaction to enter into this reciprocal agreement, and henceforth protection will be afforded in China by His Britannic Majesty's Supreme Court for China and Corea and the Provincial Courts to trademarks of citizens of the United States which have been duly registered in Great Britain in conformity with "The Patents, Designs, and Trademarks Acts, 1883 to 1888."

At the same time it appears necessary to mention that the consent in writing of His Majesty's Minister or Chargé d'Affaires must be obtained on each occasion, which consent will be given as a matter of course in consequence of the assurance contained in your Note under reply that effectual provision exists for the punishment in the United States Consular Courts in China of infringement, by such persons as come under the jurisdiction of those Courts, of the trademarks of British subjects which shall have been duly registered in the United States of America.

I have the honour to be, sir, your obedient servant,

ERNEST SATOW.

His Excellency,  
the Honourable W. W. ROCKHILL,  
*etc., etc., etc.*